

### REMARKS

Claims 47-76 are pending in the present application. By this Amendment, claims 17-46 are canceled; and new claims 47-76 are added. Applicants respectfully request consideration of the present claims in view of the foregoing amendments and the following remarks.

#### I. Formal Matters:

##### Election/Restriction Requirement

Previously presented claims 17-18 and 20-42 were subject to a restriction requirement. The Office Action proposed to separate previously presented claims 17-18 and 20-42 into two groups: Group I, Claims 17-18, 20-21, 38-39 and 41-42, directed to a biaxially stretched polymeric film and an adhesive tape containing the same; and Group II, Claims 22-37 and 40, directed to a method of making a biaxially stretched polymeric film.

Applicants provisionally elected, **without traverse**, the claims of Group I, Claims 17-18, 20-21, 38-39 and 41-42, directed to a biaxially stretched polymeric film and an adhesive tape containing the same. Applicants hereby affirm the election of Group I, Claims 17-18, 20-21, 38-39 and 41-42, directed to a biaxially stretched polymeric film and an adhesive tape containing the same. Although previously presented elected claims 17-18, 20-21, 38-39 and 41-42, as well as, nonelected claims 38-39 and 41-42 have been canceled, present claims 47-70 are directed to the elected subject matter, namely, biaxially stretched polymeric films and adhesive tapes containing the same.

##### Specification Amendments

Applicants have amended page 7 (lines 5-9), page 13 (lines 8-19), page 14 (line 26) - page 15 (line 7), and page 26 (line 31) - page 27 (line 13) of the specification to correct minor editorial problems. Applicants assert that amendments to the specification do not introduce new matter.

Claim Objection

Previously presented claim 17 was objected to for using the term "stretch" as oppose to "stretching." This objection is moot given that claim 17 has been canceled. However, Applicants have taken the claim objection into consideration as shown in new claims 47- .

Claim Rejection Under 35 U.S.C. §112, 2nd Paragraph

Previously presented claims 20-21 were rejected under 35 U.S.C. §112, 2nd Paragraph for being dependent on a canceled claim. This rejection is moot given that claims 20-21 have been canceled.

II. Prior Art Rejections:

Claim Rejection Under 35 U.S.C. §102(b)/§103(a)

Previously presented claims 17-18, 20-21, 38-39 and 41-42 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under §103(a) as being unpatentable over U.S. Patent No. 4,070,523 to Blum et al. (hereinafter, "Blum"). Previously presented claims 17, 18, 20, 21, 38, 39, 41, and 42 have been canceled as shown above. Consequently, this rejection is moot.

III. New Claims 47-70:

New claims 47-76 are directed to various embodiments of Applicants' claimed invention. New claims 47-76 are product claims reciting physical features of the claimed articles. New claims 47-76 contain one or more features, which are not taught or suggested by the art of record.

New independent claim 47 is directed to a biaxially stretched film having an overbias stretch profile, an overstretch stretch profile, or both an overbias and overstretch stretch profile; a final first direction stretch parameter that is less than a peak first direction stretch parameter, wherein the stretch profile passes through the peak first direction stretch parameter; a final first direction stretch parameter that is less than an uniaxial natural stretch parameter; a stretch profile wherein at least 75% of the final first direction stretch parameter is attained before

no more than 50% of a final second direction stretch parameter is attained; and a final first direction stretch parameter that is no greater than the final second direction stretch parameter. New claims 48-59 depend directly or indirectly from new independent claim 47 and recite additional claim features.

New independent claim 60 is directed to a biaxially stretched polypropylene film having an overbias stretch profile, an overstretch stretch profile, or both an overbias and overstretch stretch profile; a final first direction stretch parameter that is less than a peak first direction stretch parameter, wherein the stretch profile passes through the peak first direction stretch parameter; a final first direction stretch parameter that is less than an uniaxial natural stretch parameter; a stretch profile wherein at least 75% of the final first direction stretch parameter is attained before no more than 50% of a final second direction stretch parameter is attained; and a final first direction stretch parameter that is no greater than the final second direction stretch parameter. New claims 61-70 depend directly or indirectly from new independent claim 60 and recite additional claim features.

New independent claim 71 is directed to a tape comprising a film backing and an adhesive layer on a first surface of the film backing, wherein the film backing comprises a biaxially stretched film having an overbias stretch profile, an overstretch stretch profile, or both an overbias and overstretch stretch profile. New claims 72-76 depend directly or indirectly from new independent claim 71 and recite additional claim features.

Support for new claims 47-76 may be found in at least the following locations: page 17, lines 24-25 (claims 47, 60 and 71); page 19, lines 12-18 (claims 47, 60 and 72); page 20, lines 18-20 (claims 47, 60 and 72); page 17, lines 29-31 (claims 47, 60 and 72); page 20, lines 3-6 (claims 47, 60 and 72); page 16, line 31 - page 17, line 2 (claims 48, 65 and 73); page 20, lines 9-10 (claims 49, 66 and 74); page 6, lines 5-7 (claims 50, 67 and 75); page 12, lines 11-16 (claims 51, 58, 59, 68, 69 and 70); page 12, lines 20-21 (claim 52); page 13, lines 9-14 (claim 53); page 13, line 19 (claims 54, 61 and 76); page 30, Table 1 (claims 55, 56, 57, 62, 63 and 64);

Applicants respectfully submit that new claims 47-76 are patentable over the art of record. The art of record fails to teach or suggest the biaxially stretched films or tapes recited in claims 47-76.

IV. Conclusion:

For at least the reasons given above, Applicants submit that claims 47-76 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 13-2725.

Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

MERCHANT & GOULD, LLC



By: Leonard J. Hope  
Reg. No. 44,774

MERCHANT & GOULD, LLC  
3200 IDS Center  
80 South 80<sup>th</sup> Street  
Minneapolis, Minnesota 55402-2215  
404/954-5038  
Attorney No. 60103.0033USD1  
3M Docket No.: 54512US012